IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIANSHIP PETITION NO.65 OF 2006

Smt.Chhaya Ashok Gaikwad ...Petitioner

Vs.

Kumar Suraj and another ...Respondents

Mrs.Sulbha Damale, advocate for the petitioner

CORAM : SMT.ROSHAN DALVI, J.

DATED : 24TH JANUARY, 2007

P.C.

1. The petitioner is paternal aunt of the two children, Suraj and Amar of one Kusum and Datta Ausarmal. After the death of father of the children, one Datta, their mother, Kusum was appointed as their guardian to receive his benefits. She expired on 13th August, 2003. The petitioner has produced a certified copy of her Death Certificate. The amount of dues payable to deceased has been credited with the Accounts Officer of this Court in Petition No.1213 of 1998.

2. The mother of children who was also an employee of the M.T.N.L. has to be paid her dues.

All those dues are required to be credited to the same account for the benefit of the children. The petition is made absolute in terms of prayer clause (b). The M.T.N.L shall issue a cheque in the name of the Accounts Officer, High Court, Bombay for the dues of Kusum Ausarmal. The same shall be credited to the account in Petition No.1213 of 1998.

3. The Accounts Officer, High Court, Bombay shall issue a cheque for the consolidated amount of the benefits of both the parents of the minor children in the name of the minors showing the petitioner as a guardian. The petitioner shall invest the said cheque in F.D.R. in any Nationalized Bank in the names of the two children and showing her as their guardian. The said F.D.R. shall continue to be re-invested until the children attain majority.

4. The petitioner shall be entitled to utilise the amount of interest that shall be accrued on the F.D.R. for the maintenance of the children.

5. The petitioner shall open a Bank account in any Nationalized Bank in the name of the two children and showing her as their guardian. MTNL shall issue cheques in his joint names of the two children Suraj and Amar Ausarmal. The pension amount given by the M.T.N.L in the name of the two children shall be credited to that account. They shall remain credited to the account and be invested in the F.D.R. each year. Such investment shall also continue until the children attain majority. The petitioner shall be entitled to the interest amount from such investment also for the for maintenance of the children. The petition is disposed of accordingly.

(SMT.ROSHAN DALVI, J.)